

In response to this Restriction Requirement the Applicant provisionally elects, **with traverse**, Group I – Claims 1-8, 15, 16, the Examiner asserts as “drawn to reducing channel interference by discontinuing modulation of the carrier controlled by a random bits are supplied by the controller, classified in 455, subclass 63.1.” Applicant respectfully reserves the right to file one or more divisional application directed to the non-elected Group II.

The Applicant respectfully traverses the Restriction Requirement on the ground that the Restriction Requirement has not established that searching and examining claims 1-20 together places an **undue burden** on the Examiner. Applicant respectfully notes that the United States Patent and Trademark Office has already conducted a search and examined claims 1-20 on their merits on three separate occasions. The results of the previous searches and examinations were provided to the Applicant in the Office Actions mailed December 14, 2004, July 9, 2002, and February 1, 2002. Further, Applicant respectfully notes that MPEP § 803 specifically states the following:

[i]f the search and examination of an entire application can be made **without serious burden**, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (emphasis added)

Applicant respectfully submits that requiring a Restriction at this late stage in the prosecution of the application would actually result in more of a burden on both the United States Patent and Trademark Office and the Applicant than simply continuing to examine claims 1-20 as was done in the previous Office Actions.

In light of the above discussion, the Applicant respectfully requests that the Restriction Requirement be withdrawn.

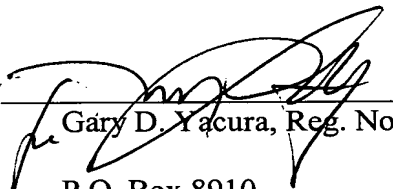
Accordingly, an action on the merits of claims 1-20 is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By

A handwritten signature in black ink, appearing to read "Gary D. Yacura", is written over a horizontal line. To the right of the signature, the number "45,274" is handwritten.

Gary D. Yacura, Reg. No. 35,416

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